



1498-13 01/2006 Dep & Def  
USPTO - 1498-13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SQUIRRELL et al. Atty. Ref.: 1498-130

Serial No. 09/529,722 Group: 1656

Filed: April 19, 2000 Examiner: Steadman

For: METHOD FOR OBTAINING LUCIFERASE FREE OF  
THERMOSENSITIVE ADENYLYLATE KINASE CATALYTIC  
ACTIVITY

\*\*\*\*\*  
February 23, 2006

**Mail Stop 16**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**BEST AVAILABLE COPY**

Sir:

**REFUND REQUEST**

The Office is requested to refund the undersigned's Deposit Account for the \$70.00 (Fee Code 1463) debited to Deposit Account No. 14-1140 in the monthly statement of January 2006, copy attached. A further explanation of the charge is requested in the event the Patent Office continues to believe the charge was appropriately made.

The \$70.00 (Fee Code 1463) for expedited handling of a foreign filing license charged to the undersigned's Deposit Account on January 9, 2006, is believed to be in error since a request for an expedited foreign filing license has never been filed by the undersigned in the above-identified application. The undersigned however filed an RCE with a 3 month suspension of action on January 6, 2006. Attached is a copy of the RCE

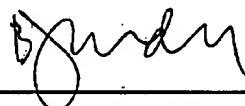
SQUIRRELL et al.  
Serial No. 09/529,722

Transmittal filed January 6, 2006, indicating the RCE filing fee of \$790 (Fee Code 1801) and a 3 month suspension of action fee of \$130 (Fee Code 1464).

Accordingly, in view of the above and attached, the \$70.00 fee charged by the Patent Office to the undersigned's Deposit Account in the attached statement of January 2006 is believed to be in error and a refund of the noted amount, or further explanation, is requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 

B. J. Sadoff

Reg. No. 36,663

BJS:pp  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

BEST AVAILABLE COPY



United States  
Patent and  
Trademark Office



USPTO  
CPTCE

Return To:

USPTO

Home

Page

Finance

Online

Shopping

Page

### Deposit Account Statement

Requested Statement Month: January 2006

Deposit Account Number: 141140

Name: NIXON & VANDERHYE P.C.

Attention: MICHELLE N. LESTER

Address: 901 NORTH GLEBE ROAD, 11TH FLOOR

City: ARLINGTON

State: VA

Zip: 22203-1808

Country: UNITED STATES OF AMERICA

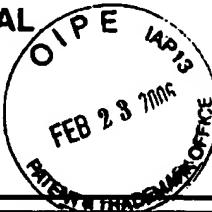
DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
✓01/09	73	09529722	1498-130 M1	1463	\$70.00	\$20,371.98

BEST AVAILABLE COPY

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Application Number	09/529,722
Filing Date	April 19, 2000
First Named Inventor	<b>COPY</b> Squirrel
Group Art Unit	1656
Examiner Name	Steadman
Attorney Docket Number	1498-130

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application. Request for continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 C.F.R. § 1.114.**

a.  Previously submitted (Note: Any previously filed unentered amendments will be entered unless applicant instructs otherwise. If applicant does not wish to have previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).  
i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
iii.  Other \_\_\_\_\_

b.  Enclosed  
i.  Amendment/Reply  
ii.  Affidavit(s)/Declaration(s)  
iii.  Information Disclosure Statement (IDS)  
iv.  Other Amendment After Final Rejection

**BEST AVAILABLE COPY**

**2. Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 35 C.F.R. § 1.103(c) for a period of three (3) months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)  
b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a.  Applicant claims "small entity" status.  
b.  Fees are attached as calculated below:  
i.  RCE fee required under 37 C.F.R. § 1.17(e) \$790.00 (1801)/\$395.00 (2801) \$ 790.00  
ii.  Petition is made to extend the due date        months (less        months previously paid) \$  
iii.  Other Suspension of action fee of \$130.00 (1464)       \$ 130.00  
c.  Check in the amount of \$        enclosed.  
d.  Payment by credit card (credit card payment form attached) in the amount of \$ 920.00  
e.  The Director is hereby authorized to charge any deficiency in the fee(s) filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm); to Deposit Account No. 14-1140

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print Type)	B. J. Sadoff	Registration No. (Attorney/Agent)	36,663
Signature		Date	January 6, 2006

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print Type)		Date	
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, Box RCE, P.O. Box 1450, Alexandria, VA 22313-1450.



REQUEST  
 FOR  
 CONTINUED EXAMINATION (RCE)  
 TRANSMITTAL

Address to:  
 Mail Stop RCE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Application Number	09/529,722
Filing Date	April 19, 2000
First Named Inventor	Squirrell
Group Art Unit	1656
Examiner Name	Steadman
Attorney Docket Number	1498-130

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for continued Examination (RCE) practice under 37 C.F.R. § 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 C.F.R. § 1.114.

a.  Previously submitted (Note: Any previously filed unentered amendments will be entered unless applicant instructs otherwise. If applicant does not wish to have previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).)

- Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_
- Consider the arguments in the Appeal Brief or Reply Brief previously filed on 01/09/2006 JADDO1 00000045 141140 09529722
- Other \_\_\_\_\_

b.  Enclosed

i. <input type="checkbox"/> Amendment/Reply	<u>01 FC:1801</u>	79.00	OP
ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)	<u>02 FC:1463</u>	79.00	DA
iii. <input type="checkbox"/> Information Disclosure Statement (IDS)		130.00	OP
iv. <input checked="" type="checkbox"/> Other <u>Amendment After Final Rejection</u>			

2. Miscellaneous

a.  Suspension of action on the above-identified application is requested under 35 C.F.R. § 1.103(c) for a period of three (3) months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)

b.  Other \_\_\_\_\_

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a.  Applicant claims "small entity" status.

b.  Fees are attached as calculated below:

i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. § 1.17(e)	<u>\$790.00 (1801)/\$395.00 (2801)</u>	\$ 790.00
ii. <input type="checkbox"/> Petition is made to extend the due date _____ months (less _____ months previously paid)		\$
iii. <input checked="" type="checkbox"/> Other <u>Suspension of action fee of \$130.00 (1464)</u>		\$ 130.00
c. <input type="checkbox"/> Check in the amount of \$ _____ enclosed.		
d. <input checked="" type="checkbox"/> Payment by credit card (credit card payment form attached) in the amount of \$ 920.00		
e. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any deficiency in the fee(s) filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm), to Deposit Account No. 14-1140		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print Type)	<u>B. J. Sadoff</u>	Registration No. (Attorney/Agent)	36,663
Signature		Date	January 6, 2006

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print Type)		
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, Box RCE, P.O. Box 1450, Alexandria, VA 22313-1450.

Adjustment date: 03/21/2006 SDIRETA1  
 01/09/2006 JADDO1 00000045 141140 09529722  
 02 FC:1463 70.00 CR -130.00 OP 1029961

03/21/2006 SDIRETA1 00000014 09529722  
 130.00 OP  
 01 FC:1464

SDIRETA1 03/21/2006 JADDO1 00000045 141140 09529722  
 02 FC:1463 70.00 CR -130.00 OP

BEST AVAILABLE COPY